

REMARKS

The last Office Action of July 12, 2002 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1 to 21 are pending in the application. Claims 1, 2, 9, 17 and 21 have been amended. No claims have been canceled or added. A total of 21 claims remains on file. Enclosed is also a marked-up version of the changes made to the specification and claims by the current amendment. The enclosed page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Claims 1-4, 6-9, 11-16 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 372,126 (hereinafter "Mazurenko").

Claims 1-15, 17-19, and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Swiss Pat. No. 512,367 (hereinafter "Achermann").

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Achermann in view of U.S. Pat. No. 2,728,545 (hereinafter "Hermitage").

REJECTION UNDER 35 U.S.C. §§102(b) and 103(a)

Record is also made of an interview between applicant's representative and the Examiner which took place on October 18, 2002. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively

discussed, and applicant's representative pointed out to the differences between the Mazurenko and Achermann constructions, on the one hand, and the formed body according to the present invention. More specifically, applicant's representative contended Mazurenko lacks any form-fitting engagement, whereas Achermann merely shows an outer envelope for accommodation of a support, whereby projections on one part of the support are used as spacer and rest merely in a cutout of another part to prevent the parts from falling inwards. No structural integrity exists, when the support is removed from the envelope.

The Examiner agreed that the subject matter of the present invention is distinguishable over the applied prior art. As a result of the interview, applicant now submits amendments to the claims which are drawn up in accordance with the agreement at the interview so as to overcome each and every objection or rejection to the claims as set forth in the Examiner's Official Action of July 12, 2002 and to place the application in formal condition for allowance. Please note that claim 21 has been amended in a similar manner as the amendments to claims 1 and 17.

In view of the above, each of the presently pending claims in this application is believed to be in immediate conditions for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

CLARIFICATION AMENDMENT

Applicant has amended the specification throughout by substituting the term "positive" with --form-fitting--, as suggested by the Examiner. No new matter has been added. Please note that the literal translation of "formschlüssig" as used in the European patent application no. 00 102 353.0, upon which priority is based pursuant to 35 U.S.C. 119(a)-(d) and which is incorporated by reference (cf. [0001] of the instant specification) is indeed --form-fitting--. The form-fitting engagement is also clearly disclosed by the interlocking engagement between the tongues and the openings.

In addition, applicant has amended the specification to make reference to the end-to-end disposition of the layers, as clearly shown in Fig. 1 of the disclosure. With respect to the feature of "at least some of sequentially disposed layers", the Examiner's attention is drawn to paragraph [0018] of the instant specification, where it is stated that the last one of the layers is glued to the subjacent layer. In other words, not all sequentially disposed layers, as shown in Fig. 1, have the form-fitting engagement (cf. Fig. 4).

A substitute specification is submitted herewith, as demanded by the Examiner. The substitute specification has incorporated therein all changes set forth above and includes all claims now on file. No new matter has been added.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

It is noted that the Examiner has not made of record German utility model no. 298 13 984, because the submitted PTO-Form 1449 lacked a particular date of publication, although the date of publication was listed in the correspondence of April 9, 2001, accompanying the PTO-Form 1449. A new PTO-Form 1449 is submitted herewith.

CONCLUSION

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE:

IN THE SPECIFICATION:

Paragraph [0005] has been amended as follows:

[0005] --The present invention provides for a tubular formed body defining a longitudinal axis and made of several layers of rolled-up lined corrugated cardboard having flutes extending in a direction of the longitudinal axis, wherein at least some of adjoining one of the layers are securely connected to one another through a positive form-fitting engagement.--.

Paragraph [0007] has been amended as follows:

[0007] --According to another feature of the present invention, the positive form-fitting engagement of adjoining layers may be implemented through punching of tongues for fit in complementary openings, whereby the tongues engage in the openings during roll-up operation. Suitably, the engagement of the tongues in the complementary openings is realized under a certain frictional fit to thereby ensure a sufficient securement of the layers relative to one another.--.

Paragraph [0016] has been amended as follows:

[0016] -- Turning now to the drawing, and in particular to FIG. 1, there is shown a top and side perspective illustration of a semi-finished tubular formed body according to the present invention, which is fabricated from a blank 1 made of corrugated cardboard that can be lined on both sides. The blank 1 has a

strip-shaped configuration and is subdivided in a series of successive sections which form layers 2 of a multi-layer formed body after rolling up the blank 1, as shown in FIG. 2. The layers 2 are separated in end-to-end relationship and from one another by score lines 5 of a length that is so selected that a substantially play-free support of single layers 2 is realized when rolling up the blank 1. The score lines 5 extend across the longitudinal extension of the blank 1 in parallel relationship to the flutes of the corrugated cardboard and define a weak material zone to realize easy folding of the blank 1 during the rolling operation.--.

Paragraph [0017] has been amended as follows:

[0017] --Punched in the area of the score lines 5 are complementary tongues 3 and openings 4 which engage during rolling operation, thereby establishing a ~~positive~~ form-fitting joint. The tongues 3 and the openings 4 are so dimensioned as to realize a friction engagement when fitted together so as to secure the individual layers 2 relative to one another.--.

Amend the Abstract as follows:

-- A tubular formed body defining a longitudinal axis and made of several layers of rolled-up lined corrugated cardboard having flutes extending in a direction of the longitudinal axis, wherein at least some of adjoining one of the layers are securely connected to one another through a ~~positive~~ form-fitting engagement.--.

IN THE CLAIMS:

Amend the following claims:

1. (Amended) A tubular formed body defining a longitudinal axis and including several layers in end-to-end disposition which are made of ~~rolled-up~~ lined corrugated cardboard having flutes extending in a direction of the longitudinal axis, wherein at least some of sequentially disposed layers are securely connected to one another through a ~~positive~~ form-fitting engagement ~~to~~ thereby maintain a structural integrity, when the layers are rolled up.
2. (Amended) The formed body of claim 1 wherein the ~~positive~~ form-fitting engagement of at least some of the adjoining one of the layers is implemented through interconnection of complementary tongues and openings.
9. (Amended) A tubular formed body made of several layers of rolled-up corrugated cardboard having flutes extending in a direction of the longitudinal axis, said formed body having connection means for ~~positive~~ form-fitting securement of adjoining layers.

17. (Amended) A formed body, comprising a strip-like blank made of corrugated cardboard and subdivided in a series of sections by spaced-apart score lines extending across the blank, wherein successive sections are securely connected to one another through form-fitting engagement of a tongue formed in one section in opening formed in an adjoining one of the sections during roll-up of the blank to form a multi-layered formed body to thereby maintain a structural integrity, when the layers are rolled up.

21. (Amended) A method of making a formed body, comprising the steps of rolling up a strip-like blank made of several layers of corrugated cardboard and subdivided in a series of sections by spaced-apart score lines extending across the blank, and engaging a tongue of one section in an opening of another section to establish a form-fitting engagement and to thereby maintain a structural integrity, when the layers are rolled up.